

Patent
Serial No. 10/575,412
Appeal Brief in Reply to Final Office Action of May 19, 2008
and Advisory Action of August 20, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of
PHILIPS STEVEN NEWTON ET AL.
Serial No.: 10/575,412
Filed: APRIL 10, 2006

Atty. Docket: FR 030123
Group Art Unit: 2185
Examiner: MARK A. GIARDINO JR.
CONF. NO.: 3707

TITLE: STORAGE ALLOCATION PER APPLICATION

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Appellants herewith respectfully present its Brief on Appeal
as follows:

REAL PARTY IN INTEREST

The real party in interest is Koninklijke Philips Electronics N.V., a corporation of The Netherlands having an office and a place of business at Groenewoudseweg 1, Eindhoven, Netherlands 5621 BA.

RELATED APPEALS AND INTERFERENCES

To the best of Appellants' knowledge and belief, there are no related appeals or interferences.

STATUS OF CLAIMS

Claims 1-20 are pending in this application. Claims 1-20 are rejected in the Final Office Action that issued May 19, 2008. This rejection was upheld, in an Advisory Action that mailed on August 20, 2008. Claims 1-20 are the subject of this appeal.

STATUS OF AMENDMENTS

An Amendment After Final Action was submitted on July 21, 2008 in response to a Final Office Action mailed on May 19, 2008. The Amendment After Final Action did not include any amendments. In an Advisory Action mailed on August 20, 2008, it is indicated that the after Amendment After Final Action was considered but that it does not place the application in condition for allowance. This Appeal Brief is in response to the Final Office Action mailed May 19, 2008, that finally rejected claims 1-20, which remain finally rejected in the Advisory Action mailed on August 20, 2008.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention, for example as claimed in claim 1, relates to a device (e.g., see, present patent application, FIG. 2) including a local storage arrangement 160 for storing a plurality of data items (e.g., see, present patent application, page 4 line 33 through page 5, line 10), a receptacle 150 for receiving a removable storage carrier 200 storing a software application (e.g., see, present patent application, page 5, line 5), a storage management unit 170 for allocating a portion of the local storage arrangement to the removable storage carrier (e.g., see, present patent application, page 5, lines 10-15) and referencing the portion with identification information (e.g., see, present patent application, page 5, lines 20-30 and page 7, lines 5-6) respecting respective access rights to a data item stored in the portion granted to the software application stored on the removable data carrier (e.g., see, present patent application, page 5, lines 20-22 and page 6, line 25 through page 7, line 2).

The present invention, for example as claimed in claim 15, relates to a method for managing a local storage arrangement 160

(e.g., see, present patent application, page 4 line 33 through page 5, line 10) in a device (e.g., see, present patent application, FIG. 2). The method includes allocating a portion of the local storage arrangement to an optical storage carrier 200 inserted in the device (e.g., see, present patent application, page 5, lines 10-15), granting access rights to a software application stored on the carrier with respect to a data item stored in the portion (e.g., see, present patent application, page 5, lines 20-22 and page 6, line 25 through page 7, line 2), and including in the portion identification information respecting the access rights of the application stored on the carrier (e.g., see, present patent application, page 5, lines 20-30 and page 7, lines 5-6).

The present invention, for example as claimed in claim 20, relates to a device (e.g., see, present patent application, FIG. 2) including a local storage arrangement 160 for storing a plurality of data items (e.g., see, present patent application, page 4 line 33 through page 5, line 10), a receptacle 150 for receiving a removable storage carrier 200 storing a software application (e.g., see, present patent application, page 5, line 5) and an identifier identifying the removable storage carrier (e.g., see, present

patent application, page 5, lines 20-30 and page 7, lines 5-6), a storage management unit 170 for allocating a portion of the local storage arrangement to the removable storage carrier (e.g., see, present patent application, page 5, lines 10-15) and referencing the portion with the identifier respecting respective access rights to a data item stored in the portion granted to the removable storage carrier (e.g., see, present patent application, page 5, lines 20-22 and page 6, line 25 through page 7, line 2).

It should be explicitly noted that it is not the Appellants' intention that the currently claimed device and method be limited to operation within the illustrative device and method described above beyond what is required by the claim language. Further description of the illustrative device and method is provided above indicating portions of the claims which cover the illustrative device and method merely for compliance with requirements of this appeal without intending any further interpreted limitations be read into the claims as presented.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-3, 7 and 11-15 of U.S. Patent Application Serial No. 10/575,412 are anticipated under 35 U.S.C. §102(b) by U.S. Patent Publication No. 2003/0061504 to Sprigg ("Sprigg").

Whether claims 4, 6 and 20 of U.S. Patent Application Serial No. 10/575,412 are obvious under 35 U.S.C. §103(a) over Sprigg in view of U.S. Patent No. 6,904,232 to Ayat ("Ayat") and U.S. Patent No. 6,414,920 to Lee ("Lee").

Whether claim 5 of U.S. Patent Application Serial No. 10/575,412 is obvious under 35 U.S.C. §103(a) over Sprigg, Ayat and Lee in view of U.S. Patent No. 4,577,289 to Comerford ("Comerford").

Whether claim 8 of U.S. Patent Application Serial No. 10/575,412 is obvious under 35 U.S.C. §103(a) over Sprigg in view of U.S. Patent No. 5,724,425 to Chang ("Chang").

Whether claims 9 and 10 of U.S. Patent Application Serial No. 10/575,412 are obvious under 35 U.S.C. §103(a) over Sprigg in view of U.S. Patent No. 6,292,874 to Barnett ("Barnett").

Whether claim 16 of U.S. Patent Application Serial No. 10/575,412 is obvious under 35 U.S.C. §103(a) over Sprigg in view of U.S. Patent No. 5,881,228 to Atkinson ("Atkinson").

Whether claim 17 of U.S. Patent Application Serial No. 10/575,412 is obvious under 35 U.S.C. §103(a) over Sprigg in view of U.S. Patent Application Publication No. 2001/0011338 to Bonola ("Bonola").

Whether claims 18-19 of U.S. Patent Application Serial No. 10/575,412 are obvious under 35 U.S.C. §103(a) over Sprigg in view of U.S. Patent No. 6,629,113 to Lawrence ("Lawrence").

ARGUMENT

Claims 1-3, 7 and 11-15 are said to be anticipated by Sprigg.

Appellants respectfully request the Board to address the patentability of independent claims 1 and 15, and further claims 2-3, 7 and 11-14 as depending on claim 1, based on the requirements of independent claims 1 and 15. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, Appellants herein specifically reserve the right to argue and address the patentability of claims 2-3, 7 and 11-14 at a later date should the separately patentable subject matter of claims 2-3, 7 and 11-14 later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of independent claims 1 and 15 is not intended as a waiver of Appellants' right to argue the patentability of the further claims and claim elements at that later time.

Sprigg shows a system for granting an application that is stored in a storage area 110, access to the storage area. As

stated in Sprigg (emphasis added), [t]he storage area 110 of the computer device 105 is used to store data and applications received into the computer device 105." (See, Sprigg, FIG. 1 and accompanying text in paragraph [0026].) While Sprigg does show storing applications received from an I/O device 125 in a storage area 110 (see, Sprigg, paragraph [0026]), Sprigg merely provides access rights to the storage area to the program stored in the storage area (see, Sprigg, paragraphs [0023], [0055]). It is respectfully submitted that Sprigg does not provide access rights to a data item stored in the storage area 110 to the software application stored on the removable data carrier. Sprigg merely stores an application in the storage area and provides access rights to the application stored in the storage area.

The Final Office Action refers to "the application" in indicating how Sprigg relates to the claims (see, final Office Action, page 3, yet "the application" of Sprigg is the application stored in the storage area 110 and not an application stored on the removable data carrier as recited in the claims. Sprigg merely grants access rights to the storage area 110, to a program stored

in the storage area 110 and not to a program stored on a removable data carrier.

Accordingly, it is respectfully submitted that Sprigg teaches allocating a portion of a common storage area to an application and data related to the application, wherein the application and data are stored in the common storage area.

Although the Final Office Action cites several portions of Sprigg for supporting the rejection of the claims, it is respectfully submitted that these cited sections in fact support the position forwarded above, namely that Sprigg merely stores applications in the storage area 110 and grants access rights to the applications stored in the storage area 110.

For example paragraph [0013] cited in the Final Office Action makes clear that (emphasis added) the "invention [of Sprigg] provides a method for storing an application on a device, comprising the steps of receiving the application at the device, storing the application in a storage on the device, and limiting access of the application to a unique portion on the storage ..."

Clearly, "the application" of Sprigg is the application stored in the storage device and not an application stored on the removable data carrier.

Similarly, cited paragraph [0034] makes clear that a (emphasis added) "network may be used to send an application to a computer device, such as the wireless device 230. The application ... has a digital signature ... [that] may be bound to the application and stored on the wireless device either bound [together with the application] or separate ..." Again, as clear from Sprigg, the application referenced granted access rights to the storage device is the application stored in the storage device and not an application stored on the removable data carrier.

The Final Office Action asserts in the "Arguments Concerning Prior Art Rejections" (see, Final Office Action, page 12) that the limitations of claims 1, 15 and 20 are found at Sprigg's paragraphs [0013], [0034], [0055] and [0028]). It must be noted that each of these are the same sections discussed above and merely address elements of an application stored in the storage device and not an application stored on a removable data carrier and accordingly, have nothing to do with the claims as presented. Accordingly, is

it respectfully submitted that reliance on paragraphs [0013], [0034], [0055] and [0028]) of Sprigg is misplaced. The limitations of claims 1 and 15 are not found in Sprigg.

Accordingly, it is respectfully submitted that the device of claim 1 and the method of claim 15 are not anticipated or made obvious by the teachings of Sprigg. For example, Sprigg does not disclose or suggest, a device that amongst other patentable elements, comprises (illustrative emphasis provided) "a storage management unit for allocating a portion of the local storage arrangement to the removable storage carrier and referencing the portion with identification information respecting respective access rights to a data item stored in the portion granted to the software application stored on the removable data carrier" as recited in claim 1 and as similarly recited in claim 15. As pointed out above, Sprigg merely grants storage device access rights to an application stored in the storage device and not an application stored on the removable data carrier as substantially recited in each of claims 1 and 15.

Based on the foregoing, the Appellants respectfully submit that independent claims 1 and 15 are patentable over Sprigg and

notice to this effect is earnestly solicited. Claims 2-3, 7 and 11-14 depend from claim 1 and accordingly are allowable for at least these reasons as well as for the separately patentable elements or subject matter contained therein.

Claims 4, 6 and 20 are said to be unpatentable over Sprigg in view of Ayat and Lee.

Appellants respectfully request the Board to address the patentability of independent claim 20, and further claims 4 and 6 as depending on claim 1, based on the requirements of independent claims 1 and 20. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, Appellants herein specifically reserve the right to argue and address the patentability of claims 4 and 6 at a later date should the separately patentable subject matter of claims 4 and 6 later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of independent claims 1 and 20 is not intended as a waiver of Appellants' right to argue the

patentability of the further claims and claim elements at that later time.

Ayat and Lee are cited for allegedly showing an identifier of the removable storage carrier (see, Final Office Action, page 5), yet does not cure the deficiencies in Sprigg discussed above.

It is respectfully submitted that the device of claim 20 is not anticipated or made obvious by the teachings of Sprigg alone and in view of any combination of Ayat and Lee. For example, Sprigg alone and in view of Ayat and Lee does not disclose or suggest a device that amongst other patentable elements comprises (illustrative emphasis provided) "a storage management unit for allocating a portion of the local storage arrangement to the removable storage carrier and referencing the portion with the identifier respecting respective access rights to a data item stored in the portion granted to the removable storage carrier" as recited in claim 20.

Based on the foregoing, the Applicants respectfully submit that independent claim 20 is patentable over Sprigg and notice to this effect is earnestly solicited. Claims 4 and 6 depend from claim 1 and accordingly are allowable for at least this reason as

well as for the separately patentable elements or subject matter contained therein.

Claim 5 is said to be unpatentable over Sprigg, Ayat and Lee in view of Comerford.

Appellants respectfully request the Board to address the patentability of dependent claim 5, based on the requirements of independent claim 1. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, Appellants herein specifically reserve the right to argue and address the patentability of claim 5 at a later date should the separately patentable subject matter of claim 5 later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of independent claim 1 is not intended as a waiver of Appellants' right to argue the patentability of the further claims and claim elements at that later time.

Comerford is cited for allegedly showing elements of the dependent claim yet does not cure the deficiencies in each of

Sprigg, Ayat and Lee. Claim 5 is allowable at least based on its dependence from independent claim 1.

Claim 8 is said to be unpatentable over Sprigg in view of Chang.

Appellants respectfully request the Board to address the patentability of dependent claim 8, based on the requirements of independent claim 1. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, Appellants herein specifically reserve the right to argue and address the patentability of claim 8 at a later date should the separately patentable subject matter of claim 8 later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of independent claim 1 is not intended as a waiver of Appellants' right to argue the patentability of the further claims and claim elements at that later time.

Chang is cited for allegedly showing elements of the dependent claim yet does not cure the deficiencies in Sprigg. Claim 8 is

allowable at least based on its dependence from independent claim
1.

Claims 9 and 10 are said to be unpatentable over Sprigg in
view of Barnett.

Appellants respectfully request the Board to address the patentability of dependent claims 9 and 10, based on the requirements of independent claim 1. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, Appellants herein specifically reserve the right to argue and address the patentability of claims 9 and 10 at a later date should the separately patentable subject matter of claims 9 and 10 later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of independent claim 1 is not intended as a waiver of Appellants' right to argue the patentability of the further claims and claim elements at that later time.

Barnett is cited for allegedly showing elements of the dependent claim yet does not cure the deficiencies in Sprigg. Claims 9 and 10 are allowable at least based on dependence from independent claim 1.

Claim 16 is said to be unpatentable over Sprigg in view of Atkinson.

Appellants respectfully request the Board to address the patentability of dependent claim 16, based on the requirements of independent claim 1. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, Appellants herein specifically reserve the right to argue and address the patentability of claim 16 at a later date should the separately patentable subject matter of claim 16 later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of independent claim 1 is not intended as a waiver of Appellants' right to argue the patentability of the further claims and claim elements at that later time.

Atkinson is cited for allegedly showing elements of the dependent claim yet does not cure the deficiencies in Sprigg. Claim 16 is allowable at least based on dependence from independent claim 1.

Claim 17 is said to be unpatentable over Sprigg in view of Bonola.

Appellants respectfully request the Board to address the patentability of dependent claim 17, based on the requirements of independent claim 1. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, Appellants herein specifically reserve the right to argue and address the patentability of claim 17 at a later date should the separately patentable subject matter of claim 17 later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of independent claim 1 is not intended as a waiver of Appellants' right to argue the patentability of the further claims and claim elements at that later time.

Bonola is cited for allegedly showing elements of the dependent claim yet does not cure the deficiencies in Sprigg. Claim 17 is allowable at least based on dependence from independent claim 1.

Claims 18-19 are said to be unpatentable over Sprigg in view of Lawrence.

Appellants respectfully request the Board to address the patentability of dependent claims 18-19, based on the requirements of independent claim 1. This position is provided for the specific and stated purpose of simplifying the current issues on appeal. However, Appellants herein specifically reserve the right to argue and address the patentability of claims 18-19 at a later date should the separately patentable subject matter of claims 18-19 later become an issue. Accordingly, this limitation of the subject matter presented for appeal herein, specifically limited to discussions of the patentability of independent claim 1 is not intended as a waiver of Appellants' right to argue the

patentability of the further claims and claim elements at that later time.

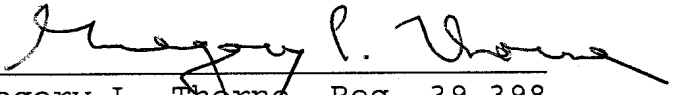
Lawrence is cited for allegedly showing elements of the dependent claim yet does not cure the deficiencies in Sprigg. Claims 18-19 are allowable at least based on dependence from independent claim 1.

In addition, Appellants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Appellants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

CONCLUSION

Claims 1-20 are patentable over any of Sprigg alone and in any combination of Ayat, Lee, Comerford, Chang, Barnett, Atkinson, Bonola and Lawrence. Thus the Examiner's rejection of claims 1-20 should be reversed.

Respectfully submitted,

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APPENDIX A

CLAIMS ON APPEAL

1. (Previously Presented) A device comprising:

a local storage arrangement for storing a plurality of data items;

a receptacle for receiving a removable storage carrier storing a software application;

a storage management unit for allocating a portion of the local storage arrangement to the removable storage carrier and referencing the portion with identification information respecting respective access rights to a data item stored in the portion granted to the software application stored on the removable data carrier.

2. (Original) The device of claim 1, wherein the storage management unit comprises Application Programming Interfaces that control an access to the local storage arrangement.

3. (Original) The device of claim 1, wherein the access rights include at least one of the following with respect to the data

item: viewing, reading, executing, accessing, retrieving, deleting, writing and saving.

4. (Original) The device of claim 1, wherein the identification information includes an identifier of the removable storage carrier.

5. (Original) The device of claim 4, wherein the identification information includes a unique identification number associated with the removable storage carrier.

6. (Previously Presented) The device of claim 4, wherein the identification information is one or more of the following: Burst Cutting Area, a serial number associated with an individual instance of the removable storage carrier, a publisher identifier associated with a publisher of the removable storage carrier and a title identifier derived from content stored on the removable storage carrier.

7. (Original) The device of claim 1, wherein the identification information includes an identifier of the software application.

8. (Original) The device of claim 1, wherein the identification information is representative of a publisher of the removable storage carrier.

9. (Previously Presented) The device of claim 1, wherein the storage management unit further enables the software application to store an additional data item in the allocated portion.

10. (Original) The device of claim 1, wherein the storage management unit limits a size of the portion allocated to the removable storage carrier.

11. (Original) The device of claim 1, wherein the storage management unit causes one or more data items not comprised in the allocated portion to be hidden from the software application.

12. (Original) The device of claim 1, wherein the portion comprises the item only.

13. (Original) The device of claim 1, wherein the storage management unit grants no access rights to the software application with respect to other data items stored outside the allocated portion.

14. (Original) The device of claim 1, wherein the storage management unit hides to the software application other data items stored outside the allocated portion.

15. (Previously Presented) A method for managing a local storage arrangement in a device comprising:

allocating a portion of the local storage arrangement to an optical storage carrier inserted in the device;

granting access rights to a software application stored on the carrier with respect to a data item stored in the portion; and,

including in the portion identification information respecting the access rights of the application stored on the carrier.

16. (Previously Presented) The device of claim 1, wherein the storage management unit allocates an equal size portion to any removable storage carrier.

17. (Previously Presented) The device of claim 1, wherein the storage management unit allocates a size of the portion based on requirements of the application.

18. (Previously Presented) The device of claim 1, wherein the storage management unit adapts a size of the portion over time.

19. (Previously Presented) The device of claim 18, wherein the storage management unit enlarges the size of the portion by reducing a size of another portion of the local storage arrangement allocated to another removable storage carrier.

20. (Previously Presented) A device comprising:

a local storage arrangement for storing a plurality of data items;

a receptacle for receiving a removable storage carrier storing a software application and an identifier identifying the removable storage carrier;

a storage management unit for allocating a portion of the local storage arrangement to the removable storage carrier and referencing the portion with the identifier respecting respective access rights to a data item stored in the portion granted to the removable storage carrier.

APPENDIX B

Evidence on Appeal

None

APPENDIX C

Related Proceedings of Appeal

None